

MINUTES  
KANSAS BOARD OF VETERINARY EXAMINERS  
Tuesday, February 2, 2016  
Board Meeting  
Senate Suites; 900 SW Tyler/Topeka KS

This meeting of the Kansas Board of Veterinary Examiners-KBVE was called to order at 7:30 PM. by Board President Dr. Bogue. Board Members present in addition to Dr. Bogue were Drs. Dodson, Kobuszewski, Layton, and Mr. Allen. Participating by telephone were Drs. Bentz and Ritter. Also present during this meeting were agency staff Dr. William Brown, Dr. Dirk Hanson, Konrad Coe, Cheryl Mermis, KDA legal counsel Robert Large. Guests included Dr. Jay Hedrick, Megan Kilgore, KVMA Executive Director and Kansas Veterinary Medical Association board members: Drs. Patricia Burris, Leon Conner, Travis Gratton, and Andy Hawkins.

Dr. Bogue welcomed and thanked those in attendance. Dr. Layton moved to adopt the meeting agenda as proposed. Mr. Allen seconded the motion. The motion passed on a voice vote with no dissenting votes.

The Board tabled approval of minutes from previous meeting [1/26/2016]; Dr. Layton mentioned that the minutes did not reflect the discussion that occurred during that meeting pertaining to a 'stalemate' - if KDA and KBVE could not reach a decision on the executive director position or legislative actions; KDA Secretary Jackie McClaskey stated the final decision would be made by the Secretary of Agriculture. It was decided that a review of the recording from the 1/26/2016 meeting would be conducted and a sentence would be added to reflect that discussion.

Dr. Hanson handed out the case status report depicting 7 new complaint cases since the last meeting; the report included last minute handwritten revisions. One of the new cases involved the board investigator collaborating with law enforcement in Wichita on a criminal case involving an individual posing and representing them self as a veterinarian. KBVE sent an email alert to Wichita area veterinarians, the email included a mug shot and description of the suspect from the detective working the case. It was KBVE's cooperation with the Wichita Police Department that led to the arrest and incarceration of that individual.

Both Dr. Hanson and Robert Large jointly presented the case update in Mr. Scheufler's absence. Dr. Hanson reported that there are several cases depicted on the report that indicate CAFOs and Cite & Fines; pending review and approval. Dr Hanson received email communications from Mr. Scheufler, prior to this meeting; the report reflects 6 cases pending review and approval that Dr. Hanson has not yet seen. Robert reported that as of today, all cases on the report that depict pending review or approval are consent agreements or cite and fines cases that are complete; still needing review of the particular licensee, followed by securing signatures or the collection of the fine[s] in the cite and fine cases. There were board comments about the length of time it takes for a case to move forward; according to the active case status report--simple cite and fine cases that have been transferred to legal 3 ½ months ago still need to be issued.

Dr. Hanson suggested perhaps a more frequent periodic update from legal would be more beneficial to staff and the Board.

The premise inspection report was presented by Konrad; year-to-date [7/1/2015-1/31/2016]: there have been 239 premise inspections; 16 with noted deficiencies and 7 changes to operating managing doctors. Dr. Layton questioned Konrad on whether he was obtaining records from each veterinarian at a multi-practice clinic—a surgical and medical record. Konrad reported that he reviews those records on-site, visits with the practitioners if he locates problems, making proper notation on the audit report. Upon return to the office he sends follow-up written document, to the licensee, reiterating the verbal discussions and deficiencies he documented during his visit to a particular clinic. The letter to the licensee asks for a written response, from the licensee- within 30 days, as to the corrective action that he/she would complete in order to be compliant with regulations.

Mr. Allen asked the other board members if there would be any problem with him going on a premise inspection with Konrad, when Konrad is in Salina. The statute strictly prohibit board members conducting a premise audit but if Mr. Allen introduced himself as a board member observing the boards' premise inspector, to a veterinarian at the time of the premise audit, the board would not have any issue with Mr. Allen accompanying Konrad if the practitioner was in agreement. Most premise inspections are

unannounced. There are a few veterinarians practicing by appointment only or do not always work every day, in those instances Konrad does need to make contact with the veterinarian to schedule his visit.

Dr. Bogue asked Dr. Brown to revisit the online renewal process, a topic that has been introduced in previous meetings. It was reported that the KDA Pesticide & Fertilizer Program has contracted with Kelly Registration Systems and paid \$180,000.00 for a suite of inspection and license/renewal modules. The goal of online licensing would significantly reduce staffs' workload and paper processing. The module of online license renewal would be at no cost to KBVE. With the decision of KBVE to leave KDA, the online renewal project for the KBVE has been put on hold. If KBVE wished to purchase the module separately, the cost for online renewals with a jurisprudence component; the cost is \$57,500.00 and without a jurisprudence component the price would be around \$47,500.00; there is an annual maintenance cost of 30% of the purchase price, for renewal of a contract with Kelly Registration Systems.

Old Business --Dr. Brown told board members that a proposed equine dentistry bill, [language provided at 1/26/2016 meeting] has been introduced in the House Agriculture Committee and feels it is important for KBVE and the KVMA to work together to defeat the bill.

Dr. Andy Hawkins, KVMA Chair led the discussion, informing board members of KVMA's Legislative Affairs Committee and an Equine Dental Taskforce; the Taskforce was initiated in November 2014 after learning this equine dentistry issue might come up. KVMA has reached out for help from **AAEP—the American Association of Equine Practitioners**, and Dr. Blevins at Kansas State University; Dr. Blevins is currently compiling a list of Kansas veterinarian equine practitioners-- veterinarians who float teeth. Dr. Hawkins told board members he has been floating teeth for 9.5 years and shared some highlights of his findings, following a laypersons inept effort(s) in numerous and separate equine cases. KVMA is definitely opposed to this bill. Dr. Hawkins believes that the message to resonate is that this is an animal welfare issue; a broad overreach in to veterinary medicine and KVMA is firmly opposed to adding a layperson equine dental provider on to the board of veterinary examiners.

Mr. Allen asked Robert whether the board could take a position in light of the Supreme Courts' decision—North Carolinas' anti-trust issue. Robert responded that it is in the board's ability and authority to take a position on the issue; it wouldn't be an enforcement action.

Dr. Bentz agreed to be the board liaison to KVMA. Dr. Bentz reported that he has been conducting some research in to neighboring states; reviewing those states' practice acts and attempting to obtain some language that was utilized to try to defeat similar bills introduced in Nebraska; won the battle, Oklahoma lost the fight.

New Business—Dr. Bogue announced that most veterinarians practicing in Kansas were e-mailed a position statement, opposing the merger, signed by Board President-Bogue and Board Vice President-Layton; KBVEs' Legislative Day at the Capitol is Wednesday, February 3, 2016, this e-mailed position statement along with a couple of other talking point documents will be shared with board members' respective legislators and some committee members during the boards' visit at the Capitol—a united front to oppose the merger of KBVE in to KDA.

The board will have use of Senate Meeting Room 229-E, Dr. Bogue made a request for the board members to gather at 7:45AM (2/3/2016), in the basement of the Senate Suites and walk over together, the meeting will be open to the public—board members will come and go throughout the day visiting with legislators.

Dr. Leon Connor made an inquiry-- of the boards' exit strategy from KDA, renting office space, purchasing computers; whether there is going to be fee increases to licensees, and if during the transition of leaving the confines of KDA- to a new space and setting up an office during annual renewal time, if licensees would be without a valid license if staff are too busy with those 'other' things. Dr. Bogue responded by saying that it is early in this process; the board has to get through the legislative process of getting the KBVE out from under the KDA.

Maybe in the future the KBVE may merge with another agency—bottom line, the KBVE wants a say in what that looks like. Prior to the merge the KBVE operated very efficiently, was structured and financially responsible. It would be an inaccurate message if licensees are hearing that renewals won't be processed in a timely matter. The KBVE has incurred administrative cost increases as a result of the merge with KDA, some not approved by the Board; the bureaucratic layers have eroded prior-merge efficiencies; the board has seen significant delays with respect to resolving complaint cases is just one example. The position statement previously discussed and provided to veterinarians practicing in Kansas, via e-mail presents the facts of the matter. The KBVE takes its mission to protect public health, safety, and welfare very seriously.

122 Megan stated that she and the 4 KVMA board members that were present for this meeting- their purpose  
123 of their attendance was to foster an open dialog with KBVE; Megan asked Dr. Bogue if at any time during  
124 this process- to look to KVMA, keeping them informed through clear lines of communication and extended  
125 an offer to work together. The KVMA has taken no position at this time on this matter but is interested in  
126 how all this impacts the KVMA.

127 Dr. Bogue thanked Megan and the KVMA board members present; stating that there is a cohesiveness  
128 that always needs to occur between the KBVE and the KVMA Board; *"we are different, we are similar and*  
129 *we need to work that way but that doesn't mean that we should ever work apart from each other; we*  
130 *should work together to help each other out but recognize there are significant differences"*. Dr. Bogue  
131 stated that the KBVE needs a little bit of time to work through all this-- believing there is a legislative bill  
132 out there to keep KBVE merged with KDA. Dr. Layton asked Megan if the KVMA is intending to remain  
133 neutral, Megan's response was no but that the whole purpose for KVMA's representation at the KBVE  
134 board meeting was to have a candid conversation with KBVE board members without staff or KDA  
135 present but per the Kansas Open Meetings Act that would be in violation. Megan asked about obtaining  
136 copies of the board's talking points discussed during this meeting. Dr. Bogue relayed that those  
137 documents would be available to KVMA on 2/3/2016 since there were some board member that have not  
138 had the opportunity to review the material.

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140 Dr. Bogue asked if there were anymore comments at which time Dr. Layton wanted to remind the KVMA  
141 board members present, that this was a "trial merger" and set-up as a trial but with a clear understanding  
142 that if the Board decided it wasn't the best fit for KBVE that it would sunset and KBVE would leave the  
143 Kansas Dept of Agriculture. For board members who have served on both sides: merged and not  
144 merged, those board members have strong opinions that a merge with the KDA wasn't the best choice for  
145 the KBVE or the people of Kansas.

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147 Dr. Layton moved that the meeting be adjourned, Dr. Kobuszewski seconded. Motion passed.

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149 Having no further business before the Board at this time, the meeting adjourned at 8:37PM.

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153 Signed \_\_\_\_\_  
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